

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13303-2019

Date of decision: 10.05.2019

Itwari

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gourav Jain, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.198 dated 03.11.2018 under Sections 323, 341, 307, 34 IPC, registered at Police Station Jakhal, District Fatehabad.

Learned counsel for the petitioner submits that as per allegations in the FIR, got registered on the statement of complainant-injured Vikas @ Lakhan that on 24.10.2018, he had gone to Jakhal Mandi in connection with some personal work and when he was returning, petitioner Itwari, co-accused/his son Pardeep, his wife Shakuntla and one Raju @ Bhaggi stopped him and started abusing him. When he stopped them to do so, he was manhandled and co-accused Pardeep gave a knife blow on his abdomen. It is further submitted that as per MLR, there is only one injury, which is on the abdomen of the complainant and therefore, later on, the police recorded the

supplementary statement of the complainant-injured Vikas @ Lakhan, in which he has stated that the petitioner and Raju @ Bhaggi caught hold of him and Pardeep, son of Itwari-petitioner, had given a knife blow on his stomach. It is further stated that the reason for causing injury was that about one and half years ago, brother of Pardeep namely Rohtash was arrested by the police on account of keeping some narcotic substance and he has not been released and co-accused Pardeep had a suspicion that the complainant-injured has got arrested his brother Rohtash. Learned counsel further submits that the petitioner is an old man aged about 60 years, he is not involved in any other case and is in custody since 16.01.2019.

Learned State counsel has filed the custody certificate dated 09.05.2019 in the Court today and could not dispute the factual position including the supplementary statement. As per the custody certificate, the petitioner is in custody for the last 03 months and 24 days.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the petitioner, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.05.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No